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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 11-00897-EJD
12)
Plaintiff,)
13 vs.) STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING DATE
14 JOSE HERNANDEZ-GARCIA,) AND EXCLUDING TIME UNDER THE
15 Defendants.) SPEEDY TRIAL ACT
16)
17)

18 **STIPULATION**

19 Defendant Jose Hernandez-Garcia, by and through Assistant Federal Public Defender
20 Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney
21 Ann Marie Ursini, hereby stipulate that, with the Court's approval, the status hearing currently
22 set for Monday, August 6, 2012, at 1:30 p.m., shall be continued to Monday, September 17, 2012
23 at 1:30 p.m.

24 The reason for the continuance is to permit the parties additional time to finalize the
25 terms of a proposed disposition, and to effectively prepare in relation to the aforementioned
26 ongoing discussions to resolve this matter.

1 For the foregoing reasons, the parties jointly request and agree to an exclusion of the time
2 between August 6, 2012, and September 17, 2012, under the Speedy Trial Act, 18 U.S.C. §
3 3161(h)(7)(A) and (B)(iv), for effective preparation by defense counsel.

4 IT IS SO STIPULATED.

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6 Dated: August 1, 2012

7 _____/s/_____
VARELL L. FULLER
8 Assistant Federal Public Defender

9 Dated: August 1, 2012

10 _____/s/_____
ANN MARIE URSINI
Special Assistant United States Attorney

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15 **~~PROPOSED~~ ORDER**

16 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
17 ORDERED that the hearing currently set for Monday, August 6, 2012, shall be continued to
18 Monday, September 17, 2012, at 1:30 p.m.

19 THE COURT FINDS that failing to exclude the time between August 6, 2012, and
20 September 17, 2012, would unreasonably deny the parties reasonable time necessary for
21 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
22 3161(h)(7)(B)(iv).

23 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
24 between August 6, 2012, and September 17, 2012, from computation under the Speedy Trial Act
25 outweigh the interests of the public and the defendant in a speedy trial.


26 THEREFORE, IT IS HEREBY ORDERED that the time between August 6, 2012, and

1 September 17, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C.

2 § 3161(h)(7)(A) and (B)(iv).

3 IT IS SO ORDERED.

4 Dated: August 3, 2012

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6 THE HONORABLE EDWARD J. DAVILA
7 United States District Court Judge
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